IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

WRIT PETITION NO. 2438 OF 2005.

Shri Rajaram B. Kamble ... Petitioner.

V/s.

Shri Baban B. Gajre ... Respondent.

Shri Sachin Punde for the petitioner.

Shri V.G. Mujumdar for the respondent.

CORAM : V.C.DAGA, J.

DATED : 17.11.2005.

P.C. :

. Heard learned Counsel for the petitioner.

2. Having examined the impugned order, it is difficult to hold that the impugned order is perverse. The view taken by the lower appellate Court is a reasonable and possible view.

3. So far as defaults in payment of rent are concerned, petitioner has suffered concurrent finding of facts. No material is brought to my notice to dislodge the findings in this behalf. The view taken by the lower appellate Court is legal and proper. It is not necessary to record separate detailed reasons in support of this order since for the findings and reasons recorded by the lower appellate Court, the petition is being dismissed in

limine with no order as to costs.

4. At this stage, learned Counsel for the petitioiner prays for grant of 6 months time to vacate the premises. Learned Counsel for the respondent has no objection for grant of time, subject to petitioner's filing usual undertaking, which petitioner agrees to file within two weeks from today. Needless to mention that failure on the part of the petitioner to file usual undertaking with advance copy to the respondent within stipulated period, it would be open for the respondent to execute the decree in accordance with law.

(V.C.DAGA,J.)